

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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MARCIA KIMBLE, *individually, and  
on behalf of all others similarly  
situated,*

Case. No. 2:23-cv-10037-DML-EMS

Plaintiff,

v.

District Judge David M. Lawson

FIRST AMERICAN HOME  
WARRANTY CORP. and  
FIVESTRATA LLC,

Defendants. /

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**PARTIES STIPULATED MOTION TO STAY DEADLINES RELATED TO  
DEFENDANTS' MOTIONS TO DISMISS**

AND NOW, Plaintiff Marcia Kimble (“Kimble” or Plaintiff), Defendant First American Home Warranty Corp. (“FAHWC”) and Defendant FiveStrata LLC (“FiveStrata”) hereby stipulate as follows:

1. On June 13, 2023, Plaintiff filed her Second Amended Class Action Complaint. ECF 32.

2. Both Defendants filed motions to dismiss on July 14, 2023. ECF 34; ECF 35.

3. The Parties agreed on the terms of a class-wide settlement at a mediation with Judge Gerald Rosen (ret.) on September 21, 2023. ECF 41.

4. On October 18, 2023, Plaintiff filed an unopposed motion for preliminary approval of class settlement and to certify the class for settlement purposes. ECF 43.

5. The Parties agree it would be in the interest of the parties and judicial economy to stay deadlines related to Defendants' motions to dismiss while the Court considers the motion for preliminary approval of class settlement.

6. In the event the Court denies the motion for preliminary approval, the Parties agree to new briefing deadlines to be set by the Court on the Defendants' motions to dismiss.

7. A proposed Order consistent with that relief will be filed contemporaneously with this stipulated motion.

8. The Parties are appreciative of the Court's time and attention.

WHEREFORE, Plaintiff Marcia Kimble, Defendant First American Home Warranty Corp. and FiveStrata, LLC hereby stipulate to the foregoing and respectfully request the Court enter an Order consistent with the Proposed Order attached.

SO STIPULATED:

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Dated: October 19, 2023